

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONALD SHERMAN,

Petitioner,

vs.

E.K. McDANIEL, *et al.*,

Respondents.

2:02-CV-1349-LRH-LRL

ORDER

On May 24, 2006, this court granted petitioner's motion for stay and abeyance to allow petitioner to litigate a state court petition for writ of habeas corpus. Docket #79. On September 15, 2010, petitioner filed a motion to vacate the stay and reopen these proceedings. Docket ##98/100. Respondents do not object to petitioner's request. Docket #101.

Good cause appearing, the court shall reopen proceedings in this matter. In addition, petitioner will be allowed the opportunity to file an amended petition.

IT IS THEREFORE ORDERED that petitioner's motion to vacate the stay and reopen these proceedings (docket ##98/100) is GRANTED. The Clerk shall administratively REOPEN this action. The stay of this action is lifted.

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1 **IT IS FURTHER ORDERED** that petitioner shall have **thirty (30) days** from the date this
2 order is entered within which to file an amended petition for habeas corpus relief. Upon the filing of
3 the amended petition or the expiration of time allotted for that purpose, the court shall schedule
4 further proceedings in this case.

5 DATED this 7th day of October, 2010.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE